

REFERENCE TITLE: newborn safe havens; volunteers

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1427

Introduced by

Senators Martin, Aguirre; Representatives Chase, O'Halleran; Senators Cheuvront, Verschoor; Representatives Burns J, Miranda B, Nelson, Rios P

AN ACT

AMENDING SECTION 13-3623.01, ARIZONA REVISED STATUTES; RELATING TO NEWBORN SAFE HAVENS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3623.01, Arizona Revised Statutes, is amended to
3 read:

4 13-3623.01. Safe haven for newborn infants; definitions

5 A. A person is not guilty of abuse of a child pursuant to section
6 13-3623, Subsection B solely for leaving an unharmed newborn infant with a
7 safe haven provider.

8 B. If a parent or agent of a parent voluntarily delivers the parent's
9 newborn infant to a safe haven provider, the safe haven provider shall take
10 custody of the newborn infant if both of the following are true:

11 1. The parent did not express an intent to return for the newborn
12 infant.

13 2. The safe haven provider reasonably believes that the child is a
14 newborn infant.

15 C. The safe haven provider shall report **THE** receipt of a newborn
16 infant to child protective services of the department of economic security as
17 soon as practicable after taking custody of the newborn infant. Child
18 protective services shall **include** **REPORT** the number of newborn infants
19 delivered to safe haven providers pursuant to section 8-526.

20 D. A parent or agent of a parent who leaves a newborn infant with a
21 safe haven provider may remain anonymous, and the safe haven provider shall
22 not require the parent or agent to answer any questions. A safe haven
23 provider shall offer written information about information and referral
24 organizations.

25 E. A safe haven provider who receives a newborn infant pursuant to
26 this section is not liable for any civil or other damages for any act or
27 omission by the safe haven provider in maintaining custody of the newborn
28 infant if the safe haven provider acts in good faith without gross
29 negligence.

30 F. This section does not preclude the prosecution of the person for
31 any offense based on any act not covered by this section.

32 G. For the purposes of this section:

33 1. "Newborn infant" means an infant who is seventy-two hours old or
34 younger.

35 2. "Safe haven provider" means any of the following:

36 (a) A firefighter who is on duty.

37 (b) An emergency medical technician who is on duty.

38 (c) A staff member at a health care institution that is classified by
39 the department of health services pursuant to section 36-405 as a hospital or
40 an outpatient treatment center.

41 (d) A staff member **OR VOLUNTEER** at any of the following that posts a
42 public notice that it is willing to accept a newborn infant pursuant to this
43 section:

44 (i) A private child welfare agency licensed pursuant to title 8,
45 chapter 5, article 1.

1 (ii) An adoption agency licensed pursuant to section 8-126.
2 (iii) A church. For THE purposes of this item, "church" means a
3 building that is erected or converted for use as a church, where services are
4 regularly convened, that is used primarily for religious worship and
5 schooling and that a reasonable person would conclude is a church by reason
6 of design, signs or architectural or other features.